

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATTIE ANN PUSATERI, as Administrator for the Estate of
GREGORY LEE GALLAWAY,

Plaintiff,

v.

CITY OF DUNKIRK,
CITY OF DUNKIRK POLICE DEPARTMENT,
CITY OF DUNKIRK POLICE OFFICER DENISE ZENTZ,
CHAUTAUQUA COUNTY,
CHAUTAUQUA COUNTY SHERIFF JAMES B. QUATTRONE,
JOHN AND/OR JANE DOE(S) said being CHAUTAUQUA
COUNTY SHERIFF DEPUTIES,
CHAUTAUQUA COUNTY SHERIFF SERGEANT FULLER,
JOHN AND JANE DOE(S) said being CHAUTAUQUA
COUNTY JAIL PERSONNEL,
ANGELA M. DAMORE, FNP-C,
AMY MEYER, RN,
CHAUTAUQUA COUNTY SHERIFF'S DEPUTY TANNER
DELAHOY bearing Badge Number 5100,
CHAUTAUQUA COUNTY SHERRIFF'S DEPUTY ROBERTS
bearing Badge Number 5108,
CHAUTAUQUA COUNTY SHERRIFF'S DEPUTY ROBERT
BURRELL bearing Badge Number 5060,
CHAUTAUQUA COUNTY SHERRIFF'S SERGEANT
WESTFAHL bearing Badge Number 671,

Civ. No.: 1:20-cv-00427

Defendants.

DECLARATION OF SHANNON B. VANDERMEER

I, Shannon B. Vandermeer, make this Declaration under penalty of perjury
pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice in the State of New York
and in the Western District of New York and a partner with the law firm of Webster
Szanyi LLP, attorneys for Chautauqua County, Chautauqua County Sheriff James B.

Quattrone, Chautauqua County Sheriff Sergeant Fuller, Angela Damore, FNP-C, Amy Meyer, RN, Chautauqua County Sheriff's Deputy Roberts bearing Badge Number 5108, Chautauqua County Sheriff's Deputy Robert Burrell bearing Badge Number 5060, Chautauqua County Sheriff's Sergeant Westfahl bearing Badge Number 671 (collectively the "County Defendants").

2. On behalf of all the parties in this matter, I submit this Declaration in support of the County Defendants' Motion pursuant to Rule 16(b)(4) for a modification to the existing Case Management Order (Dkt. 74) by extending the remaining deadlines, including the deadline to file dispositive motions, by thirty days. All parties consent to this request.

Grounds for Extension

3. Below is a brief summary of the basis for the requested extension.

4. The parties completed fact discovery and expert discovery.

5. Most recently, on May 21, 2024, the parties completed the deposition of Plaintiff's expert, Dr. Bates.

6. To date, we still have not received the deposition transcript, which is needed to prepare dispositive motions. Until the deposition transcript is received, the parties are unable to prepare and respond to dispositive motions.

7. The parties have also been actively discussing the possibility of settlement. In order to continue productive settlement discussions, the parties request a brief adjournment of the dispositive motions. The adjournment will allow the parties to conserve and prioritize their resources towards a possible settlement.

8. Finally, the undersigned, who is the attorney primarily handling the instant matter for the County Defendants, has been experiencing a medical issue and unable to work the last several weeks. In addition, the undersigned underwent a medical procedure this week, which further prevents the undersigned from being able to actively work on this matter.

9. Based on the foregoing, the parties respectfully request that the remaining deadlines set forth in the Case Management Order be extended by thirty days.

Conclusion

10. For the reasons set forth herein, the Defendants' request for an extension of time to the remaining deadlines set forth in the Case Management Order should be granted in their entirety; and for such other and further relief as the Court deems appropriate.

Dated: June 28, 2024

s/ Shannon B. Vandermeer
Shannon B. Vandermeer